

SERVICE DATE – NOVEMBER 8, 2017

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 350X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT AND
DISCONTINUANCE OF SERVICE EXEMPTION—IN ESSEX COUNTY, N.J.

Decided: November 7, 2017

Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments and Discontinuance of Service to abandon approximately 0.71 miles of rail line between milepost 8.50 OJ and milepost 8.616 OJ and between milepost 9.905 OJ and milepost 10.50 OJ in Essex County, N.J.¹ Notice of the exemption was served and published in the Federal Register on November 26, 2014 (79 Fed. Reg. 70,613). The exemption became effective on December 27, 2014.

By decision served on December 23, 2014, the Board imposed one environmental condition and a historic preservation condition under Section 106 of the National Historic Preservation Act, 54 U.S.C. § 30618 (NHPA), recommended by the Board's Office of Environmental Analysis (OEA). The environmental condition requires NSR, prior to commencement of any salvage activities, to consult with the U.S. Fish and Wildlife Service, New Jersey Field Office, to determine if any further review is necessary.² The historic preservation condition requires NSR to (a) retain its interest in and take no steps to alter the historic integrity of all historic properties, including sites, buildings, structures, and objects within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (National Register) (generally 50 years old or older) until the Section 106 process of the NHPA has been completed, (b) report back to OEA regarding any consultations with the New Jersey State Historic Preservation Office (SHPO), any other Section 106 consulting parties, and the public, and (c) not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

In a Supplemental Final EA dated October 19, 2017, OEA states that it received a comment from the SHPO stating that, based on information provided by NSR, the proposed abandonment would have no effect on historic resources listed on or eligible for inclusion in the

¹ The verified notice and resulting exemption also include discontinuance of service by NSR over a 1.29-mile operating easement over a New Jersey Transit line from milepost 8.616 OJ to milepost 9.905 OJ in Essex County, N.J.

² This condition remains in effect but is not a barrier to consummation.

National Register. Accordingly, OEA recommends that the Section 106 historic preservation condition imposed in the December 23, 2014 condition be removed.

Consistent with OEA's recommendation, the Section 106 historic preservation condition will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The Section 106 historic preservation condition imposed in the December 23, 2014 decision is removed.
3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.